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December 27, 2017

BY ECF

The Honorable Paul G. Gardephe
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Brennan Center for Justice at New York University School of Law v. United States Department of state*, No. 17 Civ. 7520 (PGG)

Dear Judge Gardephe:

We write on behalf of both parties in this case under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), in advance of the initial pretrial conference, scheduled for Thursday, January 4, at 10:15 a.m.

Because this case is brought under the FOIA, the parties anticipate that, like most FOIA matters, it will not involve discovery or a trial, but instead will be resolved on cross-motions for summary judgment. Accordingly, the parties are not submitting a Case Management Plan and Scheduling Order at this time, but are prepared to do so promptly if directed by the Court.

The parties provide this joint letter in accordance with the Court’s Notice of Pretrial Conference, dated October 25, 2017. The numbered paragraphs below correspond to the numbered requests for information in that Notice.

1. This FOIA case was brought by Plaintiff to compel Defendant to search for, review, and produce documents responsive to a request submitted by Plaintiff to Defendant on July 20, 2017. Specifically, Plaintiff seeks two reports submitted by the Secretary of the Department of Homeland Security to President Trump on July 9, 2017 and September 15, 2017, referred to in the Proclamation he issued September 24, 2017, “Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats,” and, if not included in those reports, the final reports submitted by the Secretary of Homeland Security to President Trump on the 24 countries referenced in the Proclamation (known colloquially as the “Muslim Travel Ban 3.0”). Plaintiff claims that Defendant violated the FOIA by failing to respond to its FOIA request within the statutory period and by withholding responsive records or portions thereof.

Defendant asserts that the records are properly withheld, in whole or in part, pursuant to one or more of FOIA’s exemptions. *See* 5 U.S.C. § 552(b).

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2. Plaintiff's motion to expedite the action is fully briefed and pending. The parties contemplate that they will file cross-motions for summary judgment at a later date.
3. The parties do not anticipate a prospect for settlement at this time.

We thank the Court for its consideration of this matter.

Respectfully submitted,

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cc: Counsel of Record (by ECF)